

# The Equitable Distribution of Injustice: Raising Twain

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*"Good administration involves the equitable distribution of injustice."*<sup>1</sup>

## PRELUDE

As a preliminary matter, it seems important to suggest where Hugh C. Macgill came from, and how his background is relevant to his considerable skill as a wordsmith, humorist, and throw-back to an earlier time. Indeed, he retains a Mark Twain-like ability to communicate and perform magnificently. Many have heard wonderful stories of Dean Macgill's Southern-oriented youth in the border-state of Maryland. These are vivid tales characteristically well told by a wonderful talker. They include convoluted yet hilarious accounts of Scotsmen barely ahead of legal sanctions; of heavy andirons handed down within the family from a fireplace where Chief Justice John Marshall warmed at least his hands; and of revealing and very funny historical occurrences on the Eastern Shore and in Baltimore Harbor and at Grandmother's farm—where the farmhouse is now a fine restaurant surrounded by manicured suburbia.

There are so many parallels between Hugh Macgill and Mark Twain that we should probably ponder reincarnation. Yet this possibility has been little noted. Samuel Clemens's father was John Marshall Clemens. His family also traced their threadbare gentility back through a "wondrously exiguous connection" to Scottish noblemen.<sup>2</sup> The story of Mark Twain's meeting of and marriage to the daughter of a leading abolitionist from the antislavery hotbed in the "burned over district" in New York State is a classic romantic tale. But many also have been delighted to hear the story

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1. William Graves Perry, Jr., quoted in *Memorial Minute*, HARV. UNIV. GAZETTE, May 27, 1999, at 15, available at <<http://www.hno.harvard.edu/gazette/1999/05.27/mm.perry.html>>.

2. JUSTIN KAPLAN, MR. CLEMENS AND MARK TWAIN: A BIOGRAPHY 18 (1966).

of Hugh's persistent wooing and winning of another thoroughgoing Yankee, the incomparable Nancy Rankin. Quite clearly, the happy ending to this particular tale has provided the single-most significant element in Dean Macgill's success as a real grown-up, to say nothing of his triumphs as a family man, friend, and leader in building an outstanding law school. That Professor Macgill was anointed to become Dean Macgill almost exactly a century after Mark Twain published *A Connecticut Yankee in King Arthur's Court*, a book that involves passage through time from a home base in Hartford, hardly seems coincidental.

It is widely known, for example, that Samuel Clemens similarly entered the world through a southern-oriented border state, which helped him to understand viscerally—but also to reject—the worst aspects of the Southern culture in which he grew up. The fact that we can still see that Mark Twain built his mansion in Hartford with imagination, a fascination for detail and the latest technology, and a strong sense of permanence might have provided a strong clue for all those who watched the transformation of the Law School campus just up the street from the Twain House. And what about the shared willingness of these two great story-tellers to stand out with flair by wearing immaculate, but somewhat old-fashioned clothes and distinctive facial hair as well? Both also delight in a keen dramatic sense and extraordinary timing. They keep widely varied publics entertained and laughing—even while we, in their enthusiastic audience, are being prodded subtly toward larger truths. Some important insights into leadership emerge from a brief consideration of these two remarkable Connecticut Yankee transplants.

### I. LIGHTING OUT FOR HARTFORD

Rebellious leadership is a succinct suggestion of a giant oxymoron. It seems a harsh reality, moreover, that to evaluate relative rebelliousness and to discern whether genuine leadership informed any action or inaction primarily revolves around the question of whose ox was gored. How to perform "the equitable distribution of injustice" nonetheless deserves close scrutiny. In this rough line of work, the achievements of H.C. Macgill afford a wonderful case study. Through brief consideration of three factors implicated in what made Macgill such a superb dean by all accounts, we may discern criteria for successful rebellious leadership even beyond the many accomplishments wrought by Macgill and his comrades in *fin de siècle* Hartford.

This essay briefly introduces three key factors for effective leadership. They overlap, to be sure, but it still may aid understanding to separate them initially. They require unusual skill at 1) hearing; 2) communicating; and 3) manipulating mean(ing)s. To analyze these criteria, this essay focuses

on Mark Twain's *A Connecticut Yankee in King Arthur's Court*.<sup>3</sup> *Connecticut Yankee* often is credited with introducing time travel to modern literature. The hero of this strange novel is Hank Morgan, the "Yankee of the Yankees," who, at first, is unable to distinguish Bridgeport from Camelot. But we will see that Hank Morgan—quickly transported by a head injury from his job as head superintendent in the Colt arms factory in 1879 Hartford to King Arthur's Court in the year 528—affords both illuminating and frightening lessons concerning rebellious leadership.

After considering Hank Morgan's strengths and weaknesses as a leader with almost limitless powers who nevertheless confronts overwhelming resistance to change,<sup>4</sup> it will be possible to say something more about leadership generally, as well as a little about Dean Macgill and the University of Connecticut School of Law.

## II. THE LEADERSHIP TRILOGY

### A. *Hearing*

Many leaders do not hear well. They cannot take in what they are being told. Whether or not there is a significant distinction between listening and hearing,<sup>5</sup> I mean by hearing the ability to perceive what is really happening at ground level through gathering and grasping the perspectives of others. It is no red herring to consider the acute ability to hear others—through the din of information overload and the tendency of interlocutors to flatter or selectively inform a leader—to be a skill at "here-ing." One who hears well is thus anchored in the here and the now.

Hank Morgan is no listener. He hears virtually nothing. From the first, Hank is described as good company for someone who seeks restfulness—"for he did all the talking."<sup>6</sup> Once Hank uses his improbable knowledge of the schedule for total solar eclipses to save his skin and to best Merlin, Hank quickly becomes The Boss. As The Boss, he begins to in-

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3. Throughout, I use the 1996 Oxford University Press facsimile of the 1889 original. See MARK TWAIN, *A CONNECTICUT YANKEE IN KING ARTHUR'S COURT* 17 (1996) [hereinafter *CONNECTICUT YANKEE*].

4. As Hank Morgan reflects:

Inherited ideas are a curious thing, and interesting to observe and examine. I had mine, the king and his people had theirs. In both cases they flowed in ruts worn deep by time and habit, and the man who should have proposed to divert them by reason and argument would have had a long contract on his hands.

*Id.* at 98. Mark Twain put the matter more pointedly in one of his essays published posthumously. See MARK TWAIN, *The Gorky Incident*, in *LETTERS FROM THE EARTH* 153 (Bernard Devoto ed., 1962). Twain observed, "[c]ustom is custom; it is built of brass, boiler iron, granite; facts, reasonings, arguments have no more effect upon it than the idle winds have upon Gibraltar." *Id.* at 156.

5. See, e.g., MILNER BALL, *CALLED BY STORIES* (2000); ELIE WIESEL, *SOULS ON FIRE: PORTRAITS AND LEGENDS OF HASIDIC MASTERS* 6 (Marion Wiesel trans., 1972).

6. *CONNECTICUT YANKEE*, *supra* note 3, at 17.

stitute reforms such as outfitting knights-errant with advertising placards for soap in order to undermine the basic feudal institutions of Camelot. And all that is required to improve things throughout the kingdom, Hank initially believes, is to "invent, contrive, create, reorganize things; set brain and hand to work, and keep them busy."<sup>7</sup> Even better, he brings nineteenth-century practical knowledge to a people who are enslaved by superstitious reverence for the monarchy, the aristocracy, and the Church. The people quickly both fear and follow The Boss, however, and Hank observes: "To be vested with enormous authority is a fine thing; but to have the on-looking world consent to it is a finer."<sup>8</sup>

Much of *Connecticut Yankee* entails Mark Twain's sardonic commentary on how easily manipulated the mass of people turns out to be, no matter what the century. Perhaps the most dramatic example is that people brought up with "lifelong every-day familiarity with slavery" simply can watch a vengeful slavemaster brutally whip a young mother as he sells her off and tears her away from her child and the child's father.<sup>9</sup> Yet, The Boss observes: "All our pilgrims looked on and commented—on the expert way in which the whip was handled."<sup>10</sup> Becoming accustomed to slavery had a "way of ossifying what one may call the superior lobe of human feeling; for these pilgrims were kindhearted people, and they would not have allowed that man to treat a horse like that."<sup>11</sup> Yet Hank Morgan also refuses to intervene. He reasons, "I must not interfere too much and get myself a name for riding over the country's laws and the citizen's rights roughshod."<sup>12</sup> Instead, he resolves to end slavery, but only when "it should be the command of the nation."<sup>13</sup> Perhaps to underscore the prickliness of ends and means calculations such as this when directly facing immediate evil, The Boss himself is later sold into slavery with King Arthur—who bitterly resents what a low price he fetched at the slave auction.

If Mark Twain was actually much like Hank Morgan,<sup>14</sup> he was also wise enough to understand and also to critique the leader who made hard

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7. *Id.* at 85.

8. *Id.* at 95.

9. *Id.* at 262.

10. *Id.*

11. *Id.*

12. *Id.*

13. *Id.* at 263.

14. Justin Kaplan, for example, developed this linkage in his great biography. See KAPLAN, *supra* note 2, at 297. Kaplan wrote:

To a great extent Hank Morgan *is* Mark Twain. Both are showmen who love gaudy effects. But this, as Clemens said in criticism of a stage version of the Yankee, is only his "rude animal side, his circus side." For the Yankee, like Mark Twain, is also "a natural gentleman," with a "good heart" and "high intent." Both combine idealism and nostalgia with shrewd practicality and devotion to profit. Their revolutionary, humanitarian zeal is tempered and at times defeated by their despairing view of human nature.

*Id.*

but wrong-headed choices as to when to be out in front of the popular will and when to await consensus. Like Tom Sawyer, Hank Morgan waited. He heard the popular will too clearly. This contrasts directly with Huck Finn. It was Huck's listening to his own heart—and ignoring both what others would say and what their religion would judge to be right and wrong—that led Huck to be an abolition immediatist, in action as well as words, when the crunch came concerning Jim's freedom.

The theme that dominates the middle of *Connecticut Yankee* is general popular insensitivity to various forms of harsh inequality; but the ending's rushed and gruesome technological bloodbath is premised on the pessimistic notion that superstition simply cannot be educated out of people who have been reared in it.<sup>15</sup> Earlier, Hank Morgan had celebrated education, as well as other reforms ranging from a newspaper and the introduction of the telephone and baseball to the Factory, where he would "turn groping and grubbing automata into men."<sup>16</sup> He even had proclaimed "the power of training! of influence! of education! It can bring a body up to believe anything."<sup>17</sup> If nothing else, *Connecticut Yankee* ultimately, bleakly undercuts that faith.

### B. *Communicating*

One of the many sayings Mark Twain is remembered for—and, unlike many of the quips attributed to him, these are words that he actually expressed—is that "[t]he difference between the *almost right* word and the *right* word is really a large matter—'tis the difference between the lightning-bug and the lightning."<sup>18</sup> Rebellious leadership depends on the ability to communicate well. In particular, it requires an astute sense of the weight of words, and particularly a keen understanding of their different heft in different situations. In addition, however, it demands dissatisfaction with the status quo. *What is* does not equate with *what ought to be*. What is needed, therefore, is the rare ability to convince others why substantial change is necessary, and to move people through words and symbols, and not merely by manipulating the supply of bread and circuses.

Like a great poet, a great leader must know the traditional communication rules in order to know when to break them. Rebellious leadership may not call for a new game, but it often will require doing something different. As a freeman in sixth century England, for example, Hank Morgan begins to comprehend the limitations of his new status:

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15. See *CONNECTICUT YANKEE*, *supra* note 3, at 540.

16. *Id.* at 212.

17. *Id.* at 252.

18. SHELLEY FISHER FISHKIN, *LIGHTING OUT FOR THE TERRITORY: REFLECTIONS ON MARK TWAIN AND AMERICAN CULTURE* 192 (1996) (quoting an 1890 letter by Mark Twain). Along with some of Mark Twain's best cracks, Fishkin collects some of the best known quips traditionally misattributed to him. See *id.* at 133-37.

So to speak, I was become a stockholder in a corporation where nine hundred and ninety-four of the members furnished all the money and did all the work, and the other six elected themselves a permanent board of direction and took all the dividends.<sup>19</sup>

And Hank then observes: "It seemed to me that what the nine hundred and ninety-four dupes needed was a new deal."<sup>20</sup> It was no accident that President Franklin Delano Roosevelt's administration adapted the "new deal" phrase from *Connecticut Yankee*, particularly because Hank Morgan immediately contrasts the "new deal" he embraces with an insurrection that is likely to turn into revolution. The freemen obviously are not at all ready for more radical change, according to The Boss, because first there has to be "educating his materials up to revolution-grade."<sup>21</sup>

But how is one ever to bring about a new deal? Hank Morgan intuitively understands that "[c]ommunity organization anywhere is founded on emotion."<sup>22</sup> He also loves gamesmanship and performances in which he gets to be the center of attention. In the middle of *Connecticut Yankee*, for example, there is a great, funny set piece about the return of water to the Holy Fountain. Mark Twain here takes some of his deepest digs at the Church. But "The Holy Fountain" chapter is also instructive for our purposes because of its emphasis on the contrast between Merlin—"a magician who believed in his own magic; and no magician can thrive who is handicapped with a superstition like that"—and Hank Morgan.<sup>23</sup> Hank quickly figures out how to fix the well that has sprung a leak and thus lacks water. But, he notes: "As a matter of business it was a good idea to get the notion around that the thing was difficult."<sup>24</sup> "Many a small thing," he goes on to explain, "has been made large by the right kind of advertising."<sup>25</sup>

This may sound sardonic, if not downright cynical. Mark Twain is poking fun at the phenomenon of burgeoning advertising in the late nineteenth century, to be sure, just as he makes a joke about the unreliability of the telephone (the "Valley of Holiness" is mistaken for the "Valley of Hellishness" because of bad phone connections). Simultaneously, however, he is celebrating the verve of advertising and the possibilities of the relatively new technology of the telephone. But the central motif is that communication alone will not suffice. What The Boss also needs is cleverness and

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19. *CONNECTICUT YANKEE*, *supra* note 3, at 160.

20. *Id.*

21. *Id.*

22. KENNETH L. KARST, *LAW'S PROMISE, LAW'S EXPRESSION: VISIONS OF POWER IN THE POLITICS OF RACE, GENDER, AND RELIGION* 62 (1993). Karst calls upon his readers to "reshuffle" society and the role of law. *See id.* at 64-66.

23. *CONNECTICUT YANKEE*, *supra* note 3, at 274-75.

24. *Id.* at 277.

25. *Id.*

practicality. On the other hand, improved forms of communication—both within the mode of old-fashioned magic that is readily understood by the audience and in the new-fangled realms of advertising and the telephone—have the potential both for good and for ill, depending on how well they are used and how wise are the leaders who make use of them.

Mark Twain, famously, was a brilliant talker. He also has been said to be the writer who probably comes closest to capturing the rhythms, harmonies and disharmonies, and fits and starts of oral speech on the page.<sup>26</sup> Thus there are jokes about how language is used, such as one at the expense of Hank's young woman friend, Sandy, whom he describes as "the Mother of the German Language."<sup>27</sup> Hank continues: "Whenever the literary German dives into a sentence, that is the last you are going to see of him til he emerges on the other side of his Atlantic with his verb in his mouth."<sup>28</sup> Throughout *Connecticut Yankee*, however, there is also repeated emphasis on how to hold, reach, and manipulate an audience through the skillful use of words.

Hugh Macgill likes to quote a response given by the late Ralph McGill, the legendary editor of the *Atlanta Constitution*, to an inquiry about how he had been so successful in reaching his audience with his courageous editorials. According to Dean Macgill, Editor McGill replied, "Simple. You've got to put the hay down where the mules can get at it." The imagery may seem disrespectful, but the significant point McGill made about reaching an audience in order to lead that audience is something some teachers and many scholars never discover. An effective academic leader, for example, must be able both to produce hay on demand and to place it well. She must strive to make ends meet. This is much more than a fiscal responsibility. At its core, to make ends requires reflecting, sharing, and shaping the ends embraced by a particular community. It is difficult to make them mesh; it is all too easy to make them mush.

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26. Louis J. Budd, for example, calls Twain a "practicing devotee of colloquiality in speech and writing" and mentions his "early immersion in and gusto for the lingering patterns of orality . . ." *Id.* at afterword at 7, 8. And Shelly Fisher Fishkin summarizes:

[Twain] helped writers narrow the gap between the oral and the written and learn to capture vernacular speech on the page with unprecedented spirit and grace. He modeled how a writer could probe the complexities of contemporary challenges without losing the storyteller's sense of narrative or drama. He did all this in language that was clear, sharp, and meticulously crafted—and he demanded from those around him nothing less.

FISHKIN, *supra* note 18, at 186. Moreover, Professor Fishkin has developed and found support for her provocative idea that Twain was influenced directly in particular by African-American speech patterns. See *id.* at 84-125. Near the end of his life, Twain still worked at preserving "the subtle something which makes good talk so much better than the best imitation of it that can be done with a pen." KAPLAN, *supra* note 2, at 379 (quoting Twain).

27. CONNECTICUT YANKEE, *supra* note 3, at 279.

28. *Id.* at 280.

### C. *Manipulating Mean(ing)s*

Where there are ends, there must be means. Implementation is the bugaboo, the jagged edge and the testing ground for leadership and for change. It is usually the source of the greatest danger to agreement among people of good faith. This is the realm in which the leader is generally and critically perceived to be a manipulator. The effective leader—and certainly the rebellious leader—almost certainly must be somewhat of a manipulator.<sup>29</sup> Despite an overarching principle that requires that like cases be treated alike, real cases seldom are really alike in all relevant respects. Equitable distribution of burdens and benefits generally does take place against a background of injustice. As a leader tries to look forward, seeking equity in this context poses the greatest challenge of all.

That said, careful attention to means, rather than the creation or identification of new ends, may be most significant. Indeed, there is reason to believe that in administration as in politics, often there seem to be no ends, just means. To confuse ends and means, moreover, is to make a substantial error. A leader needs a "situation-sense" even more than a judge does.<sup>30</sup> To avoid becoming primarily a clerk or a smoothly-functioning bureaucrat, moreover, a leader is constantly called upon to articulate with clarity and vision the shared ends that are at least purportedly being served by the means the leader has chosen to employ. This task circles back to the ability to hear and to communicate, but it also involves a talent for getting along with people while also maintaining one's integrity and a strong sense of why the means chosen actually matter.

*Connecticut Yankee* offers additional good illustrations of the inherent ends-means dilemmas in the leadership role. "The Holy Fountain" chapter we considered briefly above begins with hordes of pilgrims, eager to see what they consider to be a miraculous fountain. They become "as much as forty times as anxious to see the place where it had used to be," thus demonstrating, says The Boss, that "[t]here is no accounting for human beings."<sup>31</sup> The monks who control the fountain have prayed, put on sackcloth, and conducted holy processions without results. So they send for the magicians—The Boss and, when he is not immediately available, Merlin—to restore the water's flow.

When The Boss arrives, the old abbot in charge is overcome with joy and asks him to start at once. But Merlin has been working furiously for three days, "enchanting away like a beaver, but not raising the moisture."<sup>32</sup>

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29. F.G. Bailey makes a strong statement of the point when he says that "leaders everywhere are like deans, inescapable polluted by what they do, and, since leadership is by its very nature defiling, it follows that moral judgments are as appropriate in this regard as they are about foul weather." F.G. BAILEY, *HUMBUGGERY AND MANIPULATION: THE ART OF LEADERSHIP* ix (1988).

30. See KARL N. LLEWELLYN, *THE COMMON LAW TRADITION: DECIDING APPEALS* 121 (1960).

31. *CONNECTICUT YANKEE*, *supra* note 3, at 269.

32. *Id.* at 274.



Nonetheless, Hank refuses to intrude. He explains that not only does he not wish to mix methods, but also that it is a matter of professional courtesy because two in the same trade should not underbid each other. Merlin has the contract, and that's that. The abbot, however, thinks there is a simple solution:

But I will take [the contract] from him; it is a terrible emergency and the act is thereby justified. And if it were not so, who will give the law to the Church? The Church giveth the law to all; and what she wills to do, that she may do, hurt whom it may. I will take it from him; you shall begin upon the moment.<sup>33</sup>

The Boss nobly disagrees. He will not even allow the abbot to use other unspoken means at his disposal to force Merlin to abandon the project. While Merlin furiously casts fruitless spells, The Boss uses the extra time to arrange the "magic" that will fix the well (and he even gets to tell a humorous story that goes over very well with the monks on its fifteenth telling).

The exchange between the abbot and The Boss emphasizes the willingness of some leaders to use ends to justify any means. Given Twain's anti-Church animus, it is not surprising that here—indeed throughout the book—religious leaders are portrayed as extremely unscrupulous in their use and abuse of power. The truth may set them free, but it seems to liberate these church officials from any scruples as to legitimate means. Like true believers everywhere, they will do anything they deem necessary for the higher truth they hold.

The Church triggers the novel's bleak conclusion first by issuing an Interdict, and then by outmanipulating The Boss at his own ends/means game. Quickly, The Boss learns how undependable popular support can be. At the end, in fact, Hank and his trusty sidekick Clarence command a force of only fifty-two boys, but their electric fences and gatling guns make short, gory work of 25,000 attacking knights. (Being gallant and "out front" turns out to be the death warrant for the leaders of the attack. The fickle populace following behind them is spared.)

### III. CONCLUSION

To contemporary readers, the book's ending seems rushed, unsatisfactory, and quite brutal. Some critics, in fact, emphasize the ending as they portray Hank Morgan as a fascist precursor—or perhaps worse. Justin Kaplan, who argues that Twain generally was "capable of sustaining two moods of belief at the same time," views *Connecticut Yankee* as opposite

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33. *Id.* at 271.

to Twain's customary secular religion and his general faith in progress.<sup>34</sup> To Kaplan, this book "as far as it preaches anything, preaches irreverence, the guillotine, a reign of terror, and a kind of generalized despair. . . ."<sup>35</sup> Though his good friend William Dean Howells praised *Connecticut Yankee* for its charm and moral soundness, Clemens bitterly complained as he finally "let it go" because of things he had left out that could never again be said and that would in any event require "a pen warmed up in hell."<sup>36</sup> Is this Twain's final, bleak word about leadership? Is the somber message that east is east, and west is west, and the twain is an hour late?

Not quite. We may yet find some shards of hope, some glimmers of progress, some equity actually to be accomplished in our own world. It may be that "irony is all we've got,"<sup>37</sup> but we do have that. It is thus ironic but still worth noting that to establish an important contrast between loyalty to one's country and loyalty to its institutions or its office-holders, The Boss proudly quotes the Connecticut Constitution.<sup>38</sup> He explains that in Connecticut,

the citizen who thinks he sees that the commonwealth's political clothes are worn out, and yet holds his peace and does not agitate for a new suit, is disloyal; he is a traitor. That he may be the only one who thinks he sees this decay, does not excuse him; it is his duty to agitate any way, and it is the duty of the others to vote him down if they do not see the matter as he does.<sup>39</sup>

This is clearly more anarchist creed than libertarian dogma, more commonwealth ideal than laissez-faire faith. At this moment, The Boss (and apparently Mark Twain) underscores an obligation of activist involvement shared by all citizens.

What does even such an affirmative duty for citizens have to do with rebellious leadership? The answer lies essentially within Twain's underscoring of the need to act and to act now in the pursuit of justice. The core

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34. KAPLAN, *supra* note 2, at 281. Kaplan explains: "The ambivalences, disillusion, destructive fury, and, finally, homicidal tantrums of the novel were fire drills in his imagination for the actual failure of the machine, machine values, and his dream of capitalist democracy in which he expected to be a tycoon among tycoons." *Id.*

35. *Id.* at 296. Yet, Kaplan continues, Clemens still seemed to believe the book was "a blameless, instructive tale for women and children." *Id.*

36. KAPLAN, *supra* note 2, at 301 (quoting Clemens).

37. L. Lee Knefelkamp, *Introduction* to WILLIAM G. PERRY, JR., *FORMS OF INTELLECTUAL AND ETHICAL DEVELOPMENT IN THE COLLEGE YEARS: A SCHEME*, at xi (1999) (quoting Perry).

38. See CONNECTICUT YANKEE, *supra* note 3, at 159 ("[A]ll political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit; and that they have at all times an undeniable and indefeasible right to alter their form of government in such manner as they may think expedient.") (quoting CONN. CONST. art. I, § 2 (1999)). For an intriguing exploration of Connecticut's role as "The Constitution State," see articles on the conference entitled *Pluralism and Community: Themes and Variations*, 21 CONN. L. REV. 849, 849-1018 (1989).

39. CONNECTICUT YANKEE, *supra* note 3, at 159.

obligation is to pursue justice, albeit with full knowledge that justice actually will never be accomplished on this earth, no matter what the century. It is the means that matter most, not the ends. This is crucially the case in administration, but it is also a reality in the realms of other private and public accomplishments as well.

Now we know from the work of Shelly Fisher Fishkin and others that while Samuel Clemens struggled to write *Connecticut Yankee*, he was quietly helping to finance the legal education of Warren T. McQuinn, one of the first African-American students at Yale Law School. As president of the Kent Club, McQuinn met Clemens when Clemens was the club's guest speaker. McQuinn went on to win a major graduation prize and had a distinguished career practicing law in Baltimore, Maryland. In fact, McQuinn won a federal court victory against segregation in 1917. He also became an important mentor for a young lawyer who worked in the office next door; Thurgood Marshall.<sup>40</sup> Quiet, unheralded engagement also can be a vital form of rebellious leadership. In fact, Dean Macgill's resemblance to Mark Twain turns out to be quite substantive.

Like Mark Twain, he quietly has done equity in the face of injustice. Like Twain, Hugh C. Macgill also has accomplished a great deal with flair and in the glare of public attention. Dean Macgill has entertained, pushed, led, and—one even can safely say—inspired numerous people during his deanship. Because of what so many have done together over the past decade, the University of Connecticut School of Law has become extremely impressive physically. Beyond the bricks and mortarboards, however, the UConn Law School is outstanding today because of the very intangibles that remain crucial to success in any first-rate educational community.

By happy coincidence, HCM not only is the acronym for the three key leadership criteria we have considered, but also for Hugh C. Macgill. Those who should know all seem to agree that—notwithstanding his seemingly old-fashioned and even sometimes prickly externalities—HCM hears acutely, communicates brilliantly, and somehow manages to make all the means at hand work together effectively. Macgill also juggles well. His extraordinary skill with language allows him often to mask his own creative magic. And Hugh seldom forgets "How empty is theory in the presence of fact!"<sup>41</sup> Another key to Dean Macgill's extraordinary success is his keen understanding of that "sort of miracle that required a trifle of preparation."<sup>42</sup>

Even after many years of nitty-gritty engagement, HCM remains the rare leader who still merits following. And those who know Hugh well also know that it will be great fun to venture forth with him on new ad-

40. See FISHKIN, *supra* note 18, at 100-08.

41. CONNECTICUT YANKEE, *supra* note 3, at 558.

42. *Id.* at 88.

ventures, not least because of his sparkling, irreverent sense of humor. As Mark Twain once proclaimed, "A discriminating irreverence is the creator and protector of human liberty."<sup>43</sup> Discriminating irreverence is also the creator and protector of rebellious leadership.

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43. KAPLAN, *supra* note 2, at 299 n\*. Twain set this on the Paige typesetter—the source of his temporary financial ruin—as part of a speech that he never delivered.